

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PIERRE LAVI,

Plaintiff,

-v-

MUFG BANK, *et al.*,

Defendants.

22-CV-3167 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Before the Court is Defendants' motion under Federal Rule of Civil Procedure 41(d).

(See ECF No. 19.) Rule 41(d) states that “[i]f a plaintiff who previously dismissed an action in any court files an action based on or including the same claim against the same defendant, the court: (1) may order the plaintiff to pay all or part of the costs of that previous action; and (2) may stay the proceedings until the plaintiff has complied.” Fed. R. Civ. P. 41(d). Defendants represent that “[t]he claims in this matter were previously litigated through dismissal in a different District Court, were voluntarily dismissed by Plaintiff under Rule 41(a) of the Federal Rules of Civil Procedure during the period that that court allowed for amendment of the complaint, and have now been re-asserted here.” (ECF No. 19 at 1.) As such, Defendants request a stay pending payment of costs under Rule 41(d).

Having reviewed Defendants' motion (ECF No. 19), Plaintiff's letters (ECF Nos. 23, 25), and Defendants' reply (ECF No. 27), the Court declines to enter a stay, but will reserve a ruling on whether Defendants are entitled to costs. **Defendants' time to answer, move, or otherwise respond to the complaint is extended through November 3, 2023.**

Plaintiff is advised that a *Pro Se* Law Clinic recently opened in this District to assist people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide

Plaintiff with advice in connection with the case. The *Pro Se* Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit). The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. The Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. An unrepresented party can make an appointment in person or by calling 212-659-6190. In addition, for information regarding motion formatting and deadlines, Plaintiff is advised to consult the Southern District of New York's guide to motions, available at <https://www.nysd.uscourts.gov/sites/default/files/2018-06/motionsguide.pdf>. Plaintiff is also advised to consult the Local Rules of the Southern District of New York, available at [https://www.nysd.uscourts.gov/sites/default/files/local\\_rules/rules-2018-10-29.pdf](https://www.nysd.uscourts.gov/sites/default/files/local_rules/rules-2018-10-29.pdf).

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: October 13, 2023  
New York, New York



J. PAUL OETKEN  
United States District Judge